

**MINUTES
FREMONT CITY COUNCIL REGULAR MEETING
JULY 6, 2010
FREMONT CITY HALL
7:00 P.M.**

1. PRELIMINARY

1.1 Call to Order: Mayor Wasserman called the meeting to order.

1.2 Flag Salute: Councilmember Chan led the salute to the flag.

1.3 Roll Call: Present: Mayor Wasserman, Vice Mayor Wieckowski, Councilmembers: Natarajan, Harrison, and Chan.

1.4 Announcements by Mayor/City Manager

2. CONSENT CALENDAR

- * **2.1 Waive Reading of Ordinances:** The City Attorney read the titles of ordinances to be considered.

On a motion by Vice Mayor Wieckowski, seconded by Councilmember Natarajan, the City Council waived further readings of proposed ordinances.

Ayes:	Mayor Wasserman, Vice Mayor Natarajan, Councilmembers: Wieckowski, Harrison and Chan
Noes:	None
Absent:	None
Abstain:	None

- * **2.2 Approval of Minutes**

On a motion by Vice Mayor Wieckowski, seconded by Councilmember Natarajan, the City Council approved the minutes for the Regular Meetings of January 6, 2009 and April 28, 2009, and the Regular and Special Meetings of June 9, 2009.

Ayes:	Mayor Wasserman, Vice Mayor Wieckowski, Councilmembers: Natarajan, Harrison and Chan
Noes:	None
Absent:	None
Abstain:	None

* **2.3 Mayor Wasserman opened consideration of Second Reading and Adoption of an Ordinance of the City of Fremont Rezoning Certain Property Located at 4511 Peralta Boulevard from Planned District P-2005-73(CSPC) to Multi-Family Residence R-3-15(CSPC).**

On a motion by Vice Mayor Wieckowski, seconded by Councilmember Natarajan, the City Council adopted Ordinance No. 14-2010.

Ayes: Mayor Wasserman, Vice Mayor Wieckowski,
Councilmembers: Natarajan, Harrison and Chan
Noes: None
Absent: None
Abstain: None

* **2.4 Mayor Wasserman opened consideration of review of Conflict of Interest Code and Authorize the Execution of the Biennial Review Notice**

On a motion by Vice Mayor Wieckowski, seconded by Councilmember Natarajan, the City Council directed staff to review the conflict of interest code and authorized execution of the Biennial Review Notice regarding whether amendments are required, not later than October 1, 2010.

Ayes: Mayor Wasserman, Vice Mayor Wieckowski,
Councilmembers: Natarajan, Harrison and Chan
Noes: None
Absent: None
Abstain: None

2.5 Mayor Wasserman opened consideration of the City of Fremont General Municipal Consolidated Election, Tuesday, November 2, 2010

(This item was removed from the Consent Calendar)

Staff responded to questions from Councilmembers.

On a motion by Councilmember Natarajan, seconded by Councilmember Harrisonc, the City Council adopted Resolution No. 2010-42:

1. Calling for the General Municipal Election.
2. Requesting the services of the Alameda County Registrar of Voters to conduct the election on behalf of the City of Fremont.
3. Limiting the candidate statement to be published in the Voter Sample Ballot to a maximum of two hundred (200) words, and requiring a candidate to make a deposit of \$2,050 to pay for costs at the time his/her nomination papers are filed.
4. Allowing for rebuttals for the arguments in favor and the arguments in opposition for each ballot measure.

Ayes: Mayor Wasserman, Vice Mayor Wieckowski,
Councilmembers: Natarajani, Harrison and Chan
Noes: None
Absent: None
Abstain: None

*** 2.6 Mayor Wasserman opened consideration of Approval of a Seventh Amendment to the Professional Services Agreement with Abtahi Engineering Management Consultants for \$75,000 for Continued Project Management Services for the Washington Boulevard/Paseo Padre Parkway Grade Separation project PWC 8156**

On a motion by Vice Mayor Wieckowski, seconded by Councilmember Natarajan, the City Council authorized the City Manager or designee to execute Amendment No. 7 to the Services Agreement for Grade Separation Project Management Services with Abtahi Engineering Management Consultants in an amount not to exceed \$75,000.

Ayes: Mayor Wasserman, Vice Mayor Wieckowski,
Councilmembers: Natarajan, Harrison and Chan
Noes: None
Absent: None
Abstain: None

*** 2.7 Mayor Wasserman opened consideration of Approval of Amendment No. 2 to the Services Agreement with S&C Engineers, Inc., for \$120,000 for Construction Management Services for the Washington Boulevard/Paseo Padre Parkway Grade Separation**

On a motion by Vice Mayor Wieckowski, seconded by Councilmember Natarajan, the City Council authorized the City Manager or his designee to execute a service agreement amendment with S&C Engineers, Inc., for additional construction management services in an amount not to exceed \$120,000 for a new not-to-exceed contract total of \$8,921,209.

Ayes: Mayor Wasserman, Vice Mayor Wieckowski,
Councilmembers: Natarajan, Harrison and Chan
Noes: None
Absent: None
Abstain: None

*** 2.8 Mayor Wasserman opened consideration of Approval of Certification and Mutual Indemnification Agreement with the County of Alameda Regarding Collection of Taxes and Assessments on the Fiscal Year 2010/11 Secured Property Tax Bill**

On a motion by Vice Mayor Wieckowski, seconded by Councilmember Natarajan, the City Council adopted Resolution No. 2010-43 approving the certification and mutual indemnification agreement with the County of Alameda, and authorized the City Attorney to sign the agreement on behalf of the City.

Ayes: Mayor Wasserman, Vice Mayor Wieckowski,
Councilmembers: Natarajan, Harrison and Chan
Noes: None
Absent: None
Abstain: None

*** 2.9 Mayor Wasserman opened consideration of Award of Contract for Asphalt and Concrete Materials Testing Consultant Services for 2010 Asphalt Overlay Project to Kleinfelder West, Inc.**

On a motion by Vice Mayor Wieckowski, seconded by Councilmember Natarajan, the City Council authorized the City Manager or his designee to execute a Master Service Agreement with Kleinfelder West, Inc., for asphalt and concrete materials testing consultant services for the 2010 Asphalt Overlay Project in an amount not to exceed \$250,000.

Ayes: Mayor Wasserman, Vice Mayor Wieckowski,
Councilmembers: Natarajan, Harrison and Chan
Noes: None
Absent: None
Abstain: None

*** 2.10 Mayor Wasserman opened consideration of Approval of Plans and Specifications and Award of Contract to the Lowest Responsible Bidder for the Fremont Main Library Reroof Project, City Project No. PWC 8712**

On a motion by Vice Mayor Wieckowski, seconded by Councilmember Natarajan, the City Council:

1. Found that this project is categorically exempt from CEQA per section 15301, existing facilities.
2. Approved plans and specifications for the Fremont Main Library Reroof Project.
3. Awarded a contract for the Fremont Main Library Reroof Project (City Project No. PWC 8712) to Best Contracting Services, Inc., in the amount of \$874,795; and authorized the City Manager, or designee, to execute the contract.

Ayes: Mayor Wasserman, Vice Mayor Wieckowski,
Councilmembers: Natarajan and Chan
Noes: None
Absent: None
Abstain: Councilmember Harrison due to a conflict of interest

*** 2.11 Mayor Wasserman opened consideration of Approval of Plans and Specifications and Award of Contract to the Lowest Responsible Bidder for the 2010 Asphalt Overlay, City Project No. 8234-J (PWC)**

On a motion by Vice Mayor Wieckowski, seconded by Councilmember Natarajan, the City Council:

1. Approved the plans and specifications for 2010 Asphalt Overlay, City Project No. 8234-J (PWC).
2. Accepted the bid and awarded the construction contract for 2010 Asphalt Overlay, 8234-J (PWC) to the lowest responsible bidder, Gallagher and Burk, Inc., in the amount of \$5,093,093 and authorize the City Manager or designee to execute the contract.
3. Appropriated CIWMB rubberized asphalt concrete grant funds in the amount of \$194,080 to 525 PWC8234 (Street Overlay Program)

Ayes: Mayor Wasserman, Vice Mayor Wieckowski,
Councilmembers: Natarajan, Harrison and Chan
Noes: None
Absent: None
Abstain: None

*** 2.12 Mayor Wasserman opened consideration of Authorizing the City Manager to Execute a Hold Harmless Agreement to Allow the Fire Department to Use East Bay Regional Park District Property for Training Purposes**

On a motion by Vice Mayor Wieckowski, seconded by Councilmember Natarajan, the City Council authorized the City Manager to execute the Hold Harmless Agreement with the East Bay Regional Park District.

Ayes: Mayor Wasserman, Vice Mayor Wieckowski,
Councilmembers: Natarajan, Harrison and Chan
Noes: None
Absent: None
Abstain: None

3. CEREMONIAL ITEMS

3.1 Resolution: Acknowledging Ethan Jose and Internetting Family Volunteers for their Volunteer Service in Establishing a Curriculum for Seniors to Learn the Benefits of the Internet

3.2 Proclamation: Excellent Recycling Practices Contest

4. PUBLIC COMMUNICATIONS

4.1 Oral and Written Communications

Wynn Grich (A.T.O.W.N) expressed concern about the potential contamination of local drinking water. Sophia Kanety (Miss Fremont) requested sponsorship support for the Miss California competition pageant.

5. SCHEDULED ITEMS – None.

5.1 Mayor Wasserman opened consideration of information regarding the Proposal for Regional Pension Reform from the Alameda County City Managers Association and the Contra Costa County Public Managers Association

City Manager Fred Diaz provided an overview of the proposal for Regional Pension Reform. Staff responded to questions from Councilmembers. There were no speakers. Councilmembers provided comment. No action was taken.

6. REPORT FROM CITY ATTORNEY

6.1 Mayor Wasserman opened consideration of a Report Out from Closed Session of Any Final Action – None.

7. OTHER BUSINESS – None.

8. COUNCIL COMMUNICATIONS

8.1 Council Referral

8.1.1 Mayor Wasserman opened consideration of the Appointment of Ira Bletz to the George W. Patterson House Advisory Board

8.1.2 Mayor Wasserman opened consideration of the Appointment of Peggy Kraus to the Economic Development Advisory Commission

By consensus, the City Council appointed Ira Bletz (East Bay Regional Park representative) to the George W. Patterson House Advisory Board for an indefinite term and Peggy Kraus to the Economic Development Advisory Commission for a term to expire on December 31, 2013.

8.1.3 Mayor Wasserman opened consideration to Update Council Assignments to Outside Commissions, Committees or Boards

By consensus, the City Council adopted Resolution 2010-44 designating Council assignments to outside committees, commissions, or boards. Adoption of this resolution modifies and replaces the resolution adopted by Council on February 23, 2010.

8.2 Oral Reports on Meetings and Events

Councilmembers reported on their various meetings and activities.

9. **ADJOURNMENT:** There being no further business, Mayor Wasserman adjourned the meeting at 8:15 p.m. in memory of Sergeant Nathan Cox, Sue May and Ken Steadman (former Fremont City Councilmember).

Attest:

Approved:

Dawn G. Abrahamson, City Clerk

BOB WASSERMAN, Mayor